

Senate Bill No. 201

CHAPTER 440

An act to amend and repeal Section 309.5 of the Public Utilities Code, relating to public utilities.

[Approved by Governor October 2, 2001. Filed with
Secretary of State October 3, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 201, Speier. Public Utilities Commission: division to represent interests of customers and subscribers.

Existing law establishes a division within the Public Utilities Commission to represent the interests of public utility customers and subscribers in commission proceedings. Existing law provides for a director of the division appointed by and serving at the pleasure of the Governor, subject to Senate confirmation. Existing law provides for the Public Utilities Commission Ratepayer Advocate Account in the General Fund and requires that money from the Public Utilities Commission Utilities Reimbursement Account in the General Fund be transferred in the annual Budget Act to the Public Utilities Commission Ratepayer Advocate Account for performance of the duties of the division. Existing law provides for the repeal of those provisions on January 1, 2002, and the replacement of those provisions on that date with provisions requiring the commission to create an organization or division within the commission to represent the interests of public utility customers and subscribers in commission proceedings.

This bill would delete the repeal of the provisions that provide for the division, the director of the division, and the Public Utilities Commission Ratepayer Advocate Account, and would repeal the provisions that were to become operative January 1, 2002. The bill would instead provide that the division represent the interests of public utility customers and subscribers, but no longer limit that representation to commission proceedings. This bill would also set forth the procedures for making and resolving objections to demands for the production or disclosure of information made by the division, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 309.5 of the Public Utilities Code, as amended by Chapter 1005 of the Statutes of 1999, is amended to read:

309.5. (a) There is within the commission a division to represent the interests of public utility customers and subscribers within the jurisdiction of the commission. The goal of the division shall be to obtain the lowest possible rate for service consistent with reliable and safe service levels. The amendments made to this section during the 2001 portion of the 2001–02 Regular Session are not intended to expand the representation and responsibilities of the division.

(b) The director of the division shall be appointed by and serve at the pleasure of the Governor, subject to confirmation by the Senate. The director shall annually appear before the appropriate policy committees of the Assembly and the Senate to report on the activities of the division.

(c) The commission shall, by rule or order, provide for the assignment of personnel to, and the functioning of, the division. The division may employ experts necessary to carry out its functions. Personnel and resources shall be provided to the division at a level sufficient to ensure that customer and subscriber interests are fairly represented in all significant proceedings.

(d) The commission shall develop appropriate procedures to ensure that the existence of the division does not create a conflict of roles for any employee or his or her representative. The procedures shall include, but shall not be limited to, the development of a code of conduct and procedures for ensuring that advocates and their representatives on a particular case or proceeding are not advising decisionmakers on the same case or proceeding.

(e) The division may compel the production or disclosure of any information it deems necessary to perform its duties from entities regulated by the commission provided that any objections to any request for information shall be decided in writing by the assigned commissioner or by the president of the commission if there is no assigned commissioner.

(f) There is hereby created the Public Utilities Commission Ratepayer Advocate Account in the General Fund. Moneys from the Public Utilities Commission Utilities Reimbursement Account in the General Fund shall be transferred in the annual Budget Act to the Public Utilities Commission Ratepayer Advocate Account. The funds in the Public Utilities Commission Ratepayer Advocate Account shall be utilized exclusively by the division in the performance of its duties. The annual budget for the division shall be separately identified in the commission's annual budget request. The commission shall annually submit a staffing report containing a comparison of the staffing levels for each five-year period.

(g) The division shall agree to meet and confer in an informal setting with a regulated entity prior to issuing a report or pleading to the

commission regarding alleged misconduct, or a violation of a law or a commission rule or order, raised by the division in a complaint. The meet and confer process shall be utilized as an informal means of attempting to reach resolution or consensus on issues raised by the division regarding any regulated entity in such a complaint proceeding.

SEC. 2. Section 309.5 of the Public Utilities Code, as added by Section 4 of Chapter 856 of the Statutes of 1996, is repealed.

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